

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ECF Case

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ADRIAN HUFF, as Chairman of the Board of Trustees of
TEAMSTERS LOCAL 445 CONSTRUCTION DIVISION
PENSION FUND,

Civil Action No. 07 Civ. 7083

Plaintiff,

- against -

RODAR ENTERPRISES, INC.,

**DECLARATION OF WILLIAM
D. FRUMKIN ESQ. IN
SUPPORT OF PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT**

Defendant.
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STATE OF NEW YORK)
COUNTY OF WESTCHESTER)ss.:

WILLIAM D. FRUMKIN, an attorney admitted to practice before this Court declares, pursuant to 28 U.S.C. §1746, under penalties of perjury that the following is true and correct:

1. I am a partner with the law firm of Sapir & Frumkin, LLP, attorneys for plaintiff Adrian Huff, as Chairman of the Board of Trustees of Teamsters Local 445 Construction Division Pension Fund (Plaintiff). I am familiar with the facts and circumstances of this matter and submit this Declaration in Support of Plaintiff's Motion for Summary Judgment.

2. Annexed hereto as Exhibit "1" is a copy of the Trucking Agreement (Collective Bargaining Agreement) between the Local Union No. 445, International Brotherhood of Teamsters of Annexed AFL-CIO (the Union) and Rodar Enterprises, Inc. (Defendant), signed by Robert Sherwood, President of Defendant, on October 2, 2003.

3. Annexed hereto as Exhibit "2" is a copy of correspondence, dated October 23, 2006, from William D. Frumkin, Esq., to Defendant.

4. Annexed hereto as Exhibit "3" is a copy of correspondence, dated October 26, 2006, from Lee David Klein, Esq., to William D. Frumkin

5. Annexed hereto as Exhibit "4" is a copy of correspondence, dated January 26, 2006, from William D. Frumkin, Esq., to Lee David Klein, Esq.

6. Annexed hereto as Exhibit "5" is a copy of Defendant's Answer, dated September 17, 2007.

7. Annexed hereto as Exhibit "6" is a copy of correspondence, dated March 1, 2007, from Edmund V. Caplicki, Jr., Esq., to William D. Frumkin, Esq.

8. Annexed hereto as Exhibit "7" is a copy of correspondence, dated March 12, 2007, from William F. Cusack III, Esq., to Edmund V. Caplicki, Esq.

9. Annexed hereto as Exhibit "8" is a copy of correspondence, dated December 14, 2006, from Lee David Klein, Esq., to William D. Frumkin, Esq.

10. Annexed hereto as Exhibit "9" is a copy of correspondence, dated January 19, 2007, from Lee David Klein, Esq., to William F. Cusack III, Esq.

11. Annexed hereto as Exhibit "10" is a copy of correspondence, dated December 14, 2006, from Lee David Klein, Esq., to William D. Frumkin, Esq.

Dated: White Plains, New York
December 14, 2007

Respectfully submitted,
SAPIR & FRUMKIN LLP

By: /s/ William D. Frumkin
William D. Frumkin (WF2173)
Attorneys for Plaintiff
399 Knollwood Road, Suite 310
White Plains, New York 10603
(914) 328-0366

CERTIFICATE OF SERVICE

I hereby certify that I am not a party to this action and am over 18 years of age. I further certify that on December 14, 2007, a copy of Declaration of William D. Frumkin, Esq. in Support of Plaintiff's Motion for Summary Judgment was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt including:

Edmund V. Caplicki, Jr., Esq.
Law Offices of Edmund V. Caplicki, Jr.
P.O. Box 15
LaGrangeville, New York 12540

Parties may access this filing through the Court's electronic filing system

/s/ Rachel L. Horton
Rachel L. Horton